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MARCHETTI ASKS U.S. TO LIFT CENSORSHIP OF 1974 BOOK

Victor L. Marchetti, coauthor of the book, "The CIA and the Cult of Intelligence," has asked the Department of Justice to lift the court injunction under which he submitted his manuscript to the intelligence agency for censorship prior to publication by Knopf in 1974.

The author, a former employee of the CIA, told *PW* he has also written Admiral Stansfield Turner, the Agency's new director, requesting that he be allowed to restore passages deleted from the book at CIA request.

Marchetti is currently at work on a novel for Simon and Schuster which, he says, government censors "won't be able to get their scissors into. I can get across in fictional form some of the ideas I tried to get across in 'The Cult' and in my lobbying for review and reform of the CIA. I hope I can do it in a more dramatic and commercial way."

Marchetti said he and his attorney, Melvin L. Wulf, former legal director for the American Civil Liberties Union, met with Justice Department officials on March 18 to discuss the possibility of vacating the court order which required him to submit his book to the CIA. The discussions were held with Barbara Babcock, new chief of the Department's Civil Division, who told Marchetti she would take the matter under advisement.

"We are also negotiating with the CIA over the issue of the deletions," he said. "Many of them were capricious or arbitrary or the information taken out has subsequently been published elsewhere." A U.S. District Court ruled that a secrecy oath taken by Marchetti at the time of his appointment by the CIA prohibited him from using information in his book acquired while on the Agency payroll.

Commenting on the Justice Department's decision not to prosecute former CIA employee Philip Agee for allegedly disclosing CIA secrets in his "Inside the Company: CIA Diary," Marchetti said: "It just bears out what I have said all along—that you can't legislate secrecy. That was proven by Daniel Ellsberg, too. The only time secrecy ever works is if a person is willing to stay within the system as I did."

The Justice Department had been asked by the CIA to take criminal action against Agee for disclosure of classified material if he were to return to this country from England where he faces deportation. The Department's Crimi-

nal Division decided not to take action at this time (*PW*, March 28).

Marchetti and his coauthor, John Marks, were subject to civil injunctive proceedings to prevent publication of certain information. Their book was the first book ever published in the United States following prepublication censorship by the federal government. Had the authors refused to comply with a court decision in favor of the government, they would have been subject to criminal prosecution.

The freedom of information and freedom to publish issues involved have not yet been resolved, Marchetti said, and the Carter administration has not taken a clear position on them. At one time, the Nixon administration considered seeking broadened government power to bring criminal sanctions against employees or government contractors for disclosing intelligence secrets. The controversial bill (S.1) to recodify the federal code, which died with the last Congress, contained measures amounting almost to an official secrets act. Without being specific, CIA director Turner has suggested there may be a need for new laws to prevent damaging leaks. "I would hate to see my case used as a precedent to get new secrecy laws," Marchetti said.

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